

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

**FIFTY-SEVENTH LEGISLATIVE DAY
MONDAY, MARCH 3, 2008**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Burkett, Cameron, Langhorst, Lodge, McGee, McKenzie, and Schroeder, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Danielle Cotner, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 29, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

The President assumed the Chair.

Senators Burkett and Schroeder were recorded present at this order of business.

March 3, 2008

The JUDICIARY AND RULES Committee reports that **S 1451, S 1452, S 1453, and S 1454** have been correctly printed.

DARRINGTON, Chairman

S 1451, S 1452, S 1453, and S 1454 were referred to the Finance Committee.

February 29, 2008

The JUDICIARY AND RULES Committee reports that **S 1265** and **S 1267** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1265** and **S 1267** and ordered them transmitted to the House for the signature of the Speaker.

February 29, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1306** and **S 1355** were delivered to the Office of the Governor at 2:35 p.m., February 29, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 29, 2008

The STATE AFFAIRS Committee reports out **H 338, H 339, and H 371** with the recommendation that they do pass.

McKENZIE, Chairman

H 338, H 339, and H 371 were filed for second reading.

February 29, 2008

The FINANCE Committee reports out **H 560** with the recommendation that it do pass.

CAMERON, Chairman

H 560 was filed for second reading.

March 3, 2008

The FINANCE Committee reports out **S 1451, S 1452, S 1453, and S 1454** with the recommendation that they do pass.

CAMERON, Chairman

S 1451, S 1452, S 1453, and S 1454 were filed for second reading.

March 3, 2008

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Tim Ridinger to the Idaho State Racing Commission, term to expire January 15, 2010.

McKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Cameron, Langhorst, and McGee were recorded present at this order of business.

February 29, 2008

Mr. President:

I transmit herewith **H 545, H 517**, as amended, **H 526**, as amended, **H 529**, as amended, **H 382**, as amended, and **H 531**, as amended, which have passed the House.

ALEXANDER, Chief Clerk

H 545, H 517, as amended, **H 526**, as amended, **H 529**, as amended, **H 382**, as amended, and **H 531**, as amended, were filed for first reading.

February 29, 2008

Mr. President:

I transmit herewith Enrolled **HJM 6, H 351, H 366, H 381, H 378, H 385**, as amended, **H 388, H 409, H 429**, and **H 457** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **HJM 6, H 351, H 366, H 381, H 378, H 385**, as amended, **H 388, H 409, H 429**, and **H 457** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Lodge was recorded present at this order of business.

The President announced that **SCR 132**, having been held, was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Stegner, seconded by Senator Werk, **SCR 132** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **HCR 44** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Corder, seconded by Acting Senator Sagness, **HCR 44** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 46** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Coiner, seconded by Senator Werk, **HCR 46** was adopted by voice vote, title was approved as corrected, and the resolution ordered returned to the House.

The President announced that **HCR 47** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Werk, seconded by Senator Andreason, **HCR 47** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1455

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LICENSES TO RETAIL LIQUOR; AMENDING SECTION 23-903, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF A LIQUOR LICENSE TO A SKI RESORT WHETHER LOCATED WITHIN OR WITHOUT THE LIMITS OF ANY CITY.

S 1456

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 1, CHAPTER 235, LAWS OF 2007, TO REVISE THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDIRECT SUPPORT SERVICES; AND DECLARING AN EMERGENCY.

S 1457

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 1, CHAPTER 236, LAWS OF 2007, TO REVISE THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE PHYSICAL HEALTH SERVICES PROGRAM; AMENDING SECTION 3, CHAPTER 236, LAWS OF 2007, TO REVISE THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE EMERGENCY MEDICAL SERVICES PROGRAM; AND DECLARING AN EMERGENCY.

S 1458

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2008; APPROPRIATING ADDITIONAL MONEYS FOR SUBSTANCE ABUSE SERVICES FOR FISCAL YEAR 2008; AND DECLARING AN EMERGENCY.

S 1459
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1455, S 1456, S 1457, S 1458, and S 1459 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 545, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 517, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 526, as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 529, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 382, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 531, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 555, by Appropriations Committee, was read the second time at length and filed for third reading.

S 1440 and S 1442, by State Affairs Committee, were read the second time at length and filed for third reading.

H 528, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 452 and H 453, by Business Committee, were read the second time at length and filed for third reading, Consent Calendar.

H 379, H 493, H 522, and H 523, by Business Committee, were read the second time at length and filed for third reading.

H 496, as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 440, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

S 1361, as amended, by Transportation Committee, was read the second time at length and filed for third reading.

S 1398, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1399, as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

S 1420, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1414, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **S 1379**, as amended, having been held, retained its place on the Third Reading Calendar.

Senator McKenzie was recorded present at this order of business.

S 1400, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

Pursuant to Senate Rule 39(H), Senator Langhorst disclosed a possible conflict of interest under applicable law.

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Coiner, Corder, Hammond, Heinrich, Kelly, Keough, Langhorst, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 19.

NAYS--Cameron, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson. Total - 15.

Absent and excused--Gannon. Total - 1.

Paired and voting included in roll call:

AYE - Corder NAY - Fulcher

Total - 35.

Whereupon the President declared **S 1400**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1441 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--Sagness (Malepeai). Total - 1.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **S 1441** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

S 1445 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1445** passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

S 1424 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Coiner, granted by unanimous consent, **S 1424** retained its place on the Third Reading Calendar for the March 3, 2008, afternoon session.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:04 p.m. until the hour of 4 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Cameron, Darrington, Fulcher, Lodge, and Stegner, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Cameron, Darrington, Fulcher, and Lodge were recorded present at this order of business.

S 1424, having previously been read the third time at length, debate having previously been opened by Senator Coiner, and having been held, was placed before the Senate for final consideration. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stennett. Total - 27.

NAYS--Bilyeu, Burkett, Kelly, Langhorst, Sagness (Malepeai), Werk. Total - 6.

Absent and excused--Gannon, Stegner. Total - 2.

Total - 35.

Whereupon the President declared **S 1424** passed, title was approved, and the bill ordered transmitted to the House.

S 1443 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Werk and Broadsword arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Cameron, Gannon, Stegner. Total - 3.

Total - 35.

Whereupon the President declared **S 1443** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Darrington, granted by unanimous consent, **S 1438** was referred to the Fourteenth Order of Business, General Calendar.

S 1409 was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Sagness arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bastian, Bilyeu, Burkett, Coiner, Darrington, Davis, Heinrich, Kelly, Langhorst, Sagness (Malepeai), Schroeder, Stennett, Werk. Total - 14.

NAYS--Bair, Broadsword, Cameron, Corder, Fulcher, Geddes, Goedde, Hammond, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Siddoway. Total - 19.

Absent and excused--Gannon, Stegner. Total - 2.

Total - 35.

Whereupon the President declared that **S 1409** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

H 537 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bastian arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Stegner. Total - 2.

Total - 35.

Whereupon the President declared **H 537** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:05 p.m. until the hour of 10 a.m., Tuesday, March 4, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary